



House of Representatives

General Assembly

File No. 322

February Session, 2024

Substitute House Bill No. 5202

House of Representatives, April 8, 2024

The Committee on Transportation reported through REP. LEMAR of the 96th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE CONNECTICUT AIRPORT AUTHORITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 15-34 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2024*):

3 For the [purpose of the laws of this state relating to aeronautics]
4 purposes of this chapter, the following words and phrases [shall] have
5 the following meanings, [herein given,] unless the context otherwise
6 requires:

7 (1) "Aeronautics" means transportation by aircraft; the operation,
8 repair or maintenance of aircraft, [or] aircraft engines or unmanned
9 aircraft except by a manufacturer, including the repair, packing and
10 maintenance of parachutes; the design, establishment, construction,
11 extension, operation, improvement, repair or maintenance of airports,
12 heliports, vertiports, restricted landing areas or other air navigation
13 facilities, and air instruction.

14 (2) "Air instruction" means the imparting of aeronautical information
15 by any aeronautics instructor or in or by any air school or flying club.

16 (3) "Air navigation" means the operation or navigation of aircraft in
17 the air space over this state or upon any airport or restricted landing
18 area within this state.

19 (4) "Air navigation facility" means any facility, other than one owned
20 or controlled by the federal government, used in, available for use in or
21 designed for use in, aid of air navigation, including airports, heliports,
22 vertiports, restricted landing areas, and any structures, mechanisms,
23 lights, beacons, marks, communicating systems or other
24 instrumentalities or devices used or useful as an aid, or constituting an
25 advantage or convenience, to the safe taking-off, navigation and landing
26 of aircraft, or the safe and efficient operation or maintenance of an
27 airport, heliport, vertiport or restricted landing area, and any
28 combination of such facilities.

29 (5) "Aircraft" means any contrivance used or designed for navigation
30 of or flight in air, including (A) airplanes, meaning power-driven fixed-
31 wing aircraft, heavier than air, supported by the dynamic reaction of the
32 air against their wings, (B) gliders, meaning heavier than air aircraft, the
33 free flight of which does not depend principally upon a power-
34 generating unit, and (C) rotorcraft, meaning power-driven aircraft,
35 heavier than air, supported during flight by one or more rotors.
36 "Aircraft" does not include unmanned aircraft.

37 (6) "Airman" means (A) any individual who engages, as the person in
38 command, or as a pilot, mechanic or member of the crew, in the
39 navigation of aircraft while under way; [and (excepting any individual
40 employed outside the United States, any individual employed by a
41 manufacturer of aircraft, aircraft engines, propellers or appliances to
42 perform duties as inspector or mechanic in connection therewith, and
43 any individual performing inspection or mechanical duties in
44 connection with aircraft owned or operated by him)] (B) any individual
45 who is directly in charge of the inspection, maintenance, overhauling or
46 repair of aircraft engines, propellers or appliances; and (C) any

47 individual who serves in the capacity of aircraft dispatcher or air-traffic
48 control-tower operator. "Airman" does not include any individual
49 employed outside the United States, any individual employed by a
50 manufacturer of aircraft, aircraft engines, propellers or appliances to
51 perform duties as an inspector or mechanic in connection with such
52 aircraft, engines, propellers or appliances, and any individual
53 performing inspection or mechanical duties in connection with aircraft
54 owned or operated by such individual.

55 (7) "Airport" means any area of land or water, except a restricted
56 landing area, which is designed for the landing and takeoff of aircraft,
57 whether or not facilities are provided for the shelter, servicing or repair
58 of aircraft, or for receiving or discharging passengers or cargo, and all
59 appurtenant areas used or suitable for airport buildings or other airport
60 facilities, and all appurtenant rights-of-way.

61 (8) "Airport hazard" means any structure, object of natural growth or
62 use of land which obstructs the air space required for the flight of
63 aircraft in landing or taking off at any airport, heliport, vertiport or
64 restricted landing area or is otherwise hazardous to such landing or
65 taking-off.

66 (9) "Airport protection privileges" means easements through or other
67 interests in air space over land or water, interests in airport hazards
68 outside the boundaries of airports, heliports, vertiports or restricted
69 landing areas and other protection privileges the acquisition or control
70 of which is necessary to [insure] ensure safe approaches to the landing
71 areas of airports, heliports, vertiports and restricted landing areas and
72 the safe and efficient operation thereof.

73 (10) "Careless, negligent or reckless operation" means the operation
74 or piloting of any aircraft or unmanned aircraft carelessly, negligently,
75 recklessly or in such manner as to endanger the property, life or limb of
76 any person, due regard being had to the proximity of other aircraft or
77 unmanned aircraft, the prevailing weather conditions and the territory
78 being flown over.

79 (11) "Civil aircraft" means any aircraft other than a public aircraft.

80 (12) Repealed by 1972, P.A. 134, S. 6.

81 (13) "Connecticut Airport Authority" or "authority" means the
82 Connecticut Airport Authority established pursuant to chapter 267b.

83 (14) "Executive director" means the executive director of the
84 Connecticut Airport Authority or [his or her] the executive director's
85 designee.

86 (15) "Flying club" means any person other than an individual which,
87 neither for profit nor reward, owns, leases or uses one or more aircraft
88 for the purpose of instruction or pleasure or both.

89 (16) "Manufacturer" means a person, partnership, association, limited
90 liability company or corporation which, during the calendar year
91 preceding application for registration, manufactured or assembled one
92 or more aircraft for sale, or which proves to the satisfaction of the
93 executive director that it intends in good faith to manufacture or
94 assemble one or more aircraft for sale during the year immediately
95 ensuing.

96 (17) "Municipality" means any city, town or borough or other
97 subdivision of this state.

98 (18) "Navigable air space" means air space above the minimum
99 altitudes of flight prescribed by the laws of this state or by procedures
100 of the authority. [consistent therewith.]

101 (19) "Nonresident" means any person whose legal residence is
102 outside this state.

103 (20) "Operation of aircraft" means the use of aircraft for the purpose
104 of air navigation and includes the navigation or piloting of aircraft. Any
105 person who causes or authorizes the operation of aircraft, whether with
106 or without the right of legal control thereof, shall be deemed to be
107 engaged in the operation of aircraft within the meaning of the statutes

108 of this state.

109 (21) "Person" means any individual, firm, partnership, corporation,
110 limited liability company, company, association, joint stock association
111 or body politic and includes any trustee, receiver, assignee or other
112 similar representative thereof.

113 (22) "Public aircraft" means an aircraft used exclusively in the service
114 of any government or of any political subdivision thereof, including the
115 government of any state, territory or possession of the United States, or
116 the District of Columbia, but does not include any government-owned
117 aircraft engaged in carrying persons or property for commercial
118 purposes.

119 (23) "Restricted landing area" means any area of land or water or
120 both, which is used or is made available for the landing and takeoff of
121 aircraft, the use of which shall, except in case of emergency, be only as
122 provided from time to time by the executive director.

123 (24) Repealed by P.A. 85-130.

124 (25) Repealed by P.A. 77-614, S. 609, 610.

125 (26) Repealed by P.A. 77-614, S. 609, 610.

126 (27) "Heliport" means an area of defined dimensions, either at ground
127 level or elevated on a structure, designated for the landing and takeoff
128 of helicopters, which may be restricted solely for that purpose.

129 (28) "Ultra light aircraft" means (A) any aircraft which meets the
130 criteria established by the Federal Aviation Administration, federal Air
131 Regulation Part 103, or (B) any vehicle which: (i) Is used or intended to
132 be used for manned operation by a single occupant in the air; (ii) is used
133 or intended to be used for recreation or sport purposes only; (iii) has not
134 been issued an airworthiness certificate by the government of the United
135 States or any foreign government; and (iv) if unpowered, weighs less
136 than one hundred fifty-five pounds or, if powered, weighs less than two
137 hundred fifty-four pounds, empty weight, has a fuel capacity of no more

138 than five U.S. gallons, is not capable of more than fifty-five knots
139 calibrated air speed at full power in level flight and has a power-off stall
140 speed which does not exceed twenty-four knots calibrated air speed.

141 (29) "Unmanned aircraft" means a powered aircraft that (A) uses
142 aerodynamic forces to provide vertical lift, (B) is operated remotely by
143 a pilot in command or is capable of autonomous flight, (C) does not
144 carry a human operator, and (D) can be expendable or recoverable.

145 (30) "Vertiport" means an area of defined dimensions, either at
146 ground level or elevated on a structure, designated for the vertical
147 landing and takeoff of aircraft, which may be restricted solely for that
148 purpose.

149 Sec. 2. Section 13b-39a of the 2024 supplement to the general statutes
150 is repealed and the following is substituted in lieu thereof (*Effective July*
151 *1, 2024*):

152 [The] Not later than October first annually, the owner of any aircraft,
153 as defined in subdivision (5) of section 15-34, as amended by this act,
154 which is based or primarily used at any airport facility, heliport,
155 vertiport, air navigation facility, restricted landing area or seaplane base
156 in a municipality within this state shall [, not later than October 1, 1993,
157 and annually thereafter, be required to] register with the municipality
158 in which such aircraft is based or primarily used, by filing an application
159 form, or renewal thereof, and paying the appropriate registration fee, as
160 provided for in section 12-71, this section and section 13b-39b, as
161 amended by this act. The owner of any aircraft which is based or
162 primarily used at any such air navigation facility or restricted landing
163 area in this state shall register such aircraft not later than July 1, 1994,
164 and annually thereafter not later than the first of October. Any aircraft
165 shall be deemed to be based or primarily used in a municipality when
166 in the normal course of its use, it leaves from and returns to or remains
167 at one or more points within the municipality more often or longer than
168 at any other single location outside of the municipality.

169 Sec. 3. Section 13b-39b of the 2024 supplement to the general statutes

170 is repealed and the following is substituted in lieu thereof (*Effective July*
171 *1, 2024*):

172 The executive director of the Connecticut Airport Authority shall
173 prepare and distribute to each municipality in which aircraft are based
174 or primarily used, forms and decals for the registration of aircraft and
175 the renewal of such registrations. Each municipality shall designate a
176 municipal registration official who may be an official or employee of the
177 municipality or of any airport facility, heliport, vertiport or seaplane
178 base located within the municipality, to utilize the information obtained
179 pursuant to section 13b-49a, as amended by this act, and perform the
180 duties of registration of aircraft as set forth in sections 13b-39a to 13b-
181 39g, inclusive, as amended by this act, and shall furnish to the executive
182 director, in writing, the name, address and telephone number of each
183 such official. The municipality shall immediately notify the executive
184 director upon any changes relative to the municipal registration official.

185 Sec. 4. Section 13b-46 of the general statutes is repealed and the
186 following is substituted in lieu thereof (*Effective July 1, 2024*):

187 (a) The executive director may approve airports, heliports, vertiports,
188 restricted landing areas [] and other air navigation facilities. Any
189 municipality or person acquiring property for the purpose of
190 constructing or establishing an airport, heliport, vertiport or restricted
191 landing area shall, prior to such acquisition, apply to the executive
192 director for a certificate of approval of the site selected and the general
193 purpose or purposes for which the property is to be acquired, to [insure]
194 ensure that the property and its use shall conform to minimum
195 standards of safety and shall serve the public interest. Any proposed
196 airport, heliport, vertiport, restricted landing area or other air
197 navigation facility at which more than thirty-six landings and takeoffs
198 are expected to be made by aircraft in any year shall be approved by the
199 executive director before it shall be licensed to be used or operated. The
200 executive director shall make no charge for approval certificates of
201 proposed property acquisition for airport, heliport, vertiport or
202 restricted landing area purposes.

203 (b) The executive director may license airports, heliports, vertiports,
204 restricted landing areas and other air navigation facilities and renew
205 such licenses. When a certificate of approval of an airport, heliport,
206 vertiport or restricted landing area has been issued by the executive
207 director, [he or she] the executive director may grant a license for
208 operation and use. On and after July 1, 1995, the executive director shall
209 charge a fee of one hundred fifty dollars for each license or renewal
210 thereof. Each such license shall be effective for a period of three years
211 from the date of issuance. Each licensee shall certify, on a form provided
212 by the executive director, that the licensed facility shall comply with all
213 applicable federal, state and local laws and regulations during the
214 license period. Municipalities shall be exempt from the payment of any
215 license fee in connection with airports owned or operated by such
216 municipalities.

217 (c) No municipality or officer or employee thereof and no person
218 shall operate an airport, heliport, vertiport, restricted landing area or
219 other air navigation facility for which approval has not been granted,
220 and a license has not been issued, by the executive director. The
221 provisions of this section shall not apply to any airport, heliport,
222 vertiport, restricted landing area or other air navigation facility owned
223 by the federal government within this state.

224 (d) Any heliport in operation prior to October 1, 1985, shall be
225 deemed licensed for operation and use and the executive director shall
226 issue an original license for any such heliport upon the written request
227 of the person who controls and operates such heliport. Such heliports
228 shall be subject to the provisions of this chapter concerning the renewal
229 or revocation of licenses, inspection and review of air navigation
230 facilities and any other provision of this chapter except those concerning
231 the initial approval or licensing of such facilities. Such heliports shall be
232 subject to any rule or procedure adopted by the authority in accordance
233 with the provisions of this chapter except those concerning the initial
234 approval or licensing of any air navigation facility.

235 Sec. 5. Section 13b-48 of the general statutes is repealed and the

236 following is substituted in lieu thereof (*Effective July 1, 2024*):

237 Upon receipt of any application for a certificate of approval of an
238 airport, heliport, vertiport or restricted landing area, or an original
239 license to use or operate an airport, heliport, vertiport, restricted landing
240 area or other air navigation facility, the executive director shall send
241 notice thereof by registered or certified mail to the chief executive officer
242 or first selectman of the municipality or municipalities in which the
243 proposed airport, heliport, vertiport, restricted landing area or other air
244 navigation facility is proposed to be located. If the applicant, or such
245 municipality within fifteen days after receipt of such notice, requests a
246 public hearing, the executive director shall set a time and place for such
247 hearing in the municipality in which the proposed airport, heliport,
248 vertiport, restricted landing area or other air navigation facility is
249 proposed to be situated, at which hearing interested parties shall have
250 an opportunity to be heard. The executive director may hold a public
251 hearing in any case where no such request is made. Notice of any such
252 hearing shall be published by the executive director in a newspaper of
253 general circulation in such municipality at least twice, the first
254 publication to be at least fifteen days prior to the date of the hearing.
255 Upon the conclusion of such hearing, the executive director shall
256 consider all the relevant evidence and shall issue an order granting or
257 denying such application, written notice of which shall be sent by
258 registered or certified mail to the applicant and to the chief executive
259 officer or the first selectman of the municipality or municipalities in
260 which the proposed airport, heliport, vertiport, restricted landing area
261 or other air navigation facility is to be located. Orders issued pursuant
262 to this section shall comply with the requirements of section 15-66, as
263 amended by this act, and shall be subject to appeal as provided in
264 section 15-67.

265 Sec. 6. Section 13b-49 of the general statutes is repealed and the
266 following is substituted in lieu thereof (*Effective July 1, 2024*):

267 The executive director may revoke temporarily or permanently any
268 certificate of approval or license upon a determination that an airport,

269 heliport, vertiport, restricted landing area or other navigation facility is
270 not being maintained or used in accordance with the provisions of this
271 chapter, [or] chapter 266 [,] or any regulations or procedures adopted
272 pursuant to said chapters.

273 Sec. 7. Section 13b-49a of the 2024 supplement to the general statutes
274 is repealed and the following is substituted in lieu thereof (*Effective July*
275 *1, 2024*):

276 (a) Not later than July thirty-first annually, the owner or operator of
277 any airport, heliport, vertiport, restricted landing area, seaplane base or
278 other air navigation facility licensed under the provisions of section 13b-
279 46, as amended by this act, shall submit to the executive director and the
280 municipality in which the aircraft is based, the following information
281 with respect to an aircraft which is based or primarily used at such
282 facility as of July first of such year: (1) The identity and address of the
283 owner and form of ownership, including information as to whether the
284 owner is an individual, partnership, corporation or other entity; (2) the
285 type of aircraft, including the year of manufacture, the manufacturer,
286 the model and the certified gross weight; and (3) the Federal Aviation
287 Aircraft Registration number.

288 (b) The executive director, after notice and opportunity for hearing,
289 may suspend or revoke the license of any such facility in the event the
290 owner or operator thereof knowingly or intentionally fails to comply
291 with the provisions of subsection (a) of this section.

292 Sec. 8. Subsection (a) of section 13b-50 of the 2024 supplement to the
293 general statutes is repealed and the following is substituted in lieu
294 thereof (*Effective July 1, 2024*):

295 (a) The executive director of the Connecticut Airport Authority is
296 authorized to cooperate with the government of the United States or any
297 agency or department thereof in the acquisition, construction,
298 improvement, maintenance and operation of airports, heliports,
299 vertiports, landing fields and other aeronautical facilities in this state
300 where federal financial aid is received and to comply with the

301 provisions of the laws of the United States and any regulations made
302 thereunder for the expenditure of federal moneys upon such airports,
303 heliports, vertiports, landing fields and facilities. The executive director
304 is authorized to accept, receive and receipt for federal or other moneys
305 for and on behalf of this state or any political subdivision thereof for the
306 acquisition, construction, improvement, maintenance and operation of
307 facilities within this state. All moneys accepted for disbursement by the
308 executive director pursuant to this subsection shall be disbursed in
309 accordance with the provisions of the respective grants.

310 Sec. 9. Section 13b-50p of the general statutes is repealed and the
311 following is substituted in lieu thereof (*Effective July 1, 2024*):

312 (a) The executive director of the Connecticut Airport Authority, upon
313 receipt of a written complaint, in such form and containing such
314 information as the executive director may require, from any person
315 alleging that there have been repeated landings or takeoffs by aircraft
316 from any real property not licensed as an airport, heliport, vertiport,
317 restricted landing area or other air navigation facility under the
318 provisions of section 13b-46, as amended by this act, may require the
319 owner of such property to keep records of all landings and takeoffs
320 made by aircraft from such property for a period of one year. Upon
321 receipt of such records, the executive director shall, within ten days,
322 forward [them] such records to the chief elected official of the
323 municipality in which such area or facility is located. The provisions of
324 this subsection shall not apply to any landing or takeoff made by
325 military aircraft or an emergency medical service organization, any
326 landing made for emergency purposes or [to] any landing or takeoff
327 made at an annual special event or for agricultural purposes.

328 (b) The executive director shall adopt written procedures in
329 accordance with the provisions of section 1-121 to implement the
330 provisions of subsection (a) of this section. The procedures shall include,
331 but not be limited to, the type of information the property owner may
332 be required to record, the procedures for transmitting such information
333 to the executive director and standards for determining what constitutes

334 an annual special event and agricultural purposes.

335 (c) Any person who violates any provision of this section or any
336 procedure adopted pursuant to this section shall be fined not more than
337 five hundred dollars.

338 (d) In addition to the fine imposed pursuant to subsection (c) of this
339 section, a municipality may, by ordinance, establish a fine of not more
340 than two hundred fifty dollars for violating any provision of this section.

341 Sec. 10. Section 15-41 of the general statutes is repealed and the
342 following is substituted in lieu thereof (*Effective July 1, 2024*):

343 The executive director may perform such acts, issue and amend such
344 orders, and make and amend such reasonable general or special
345 regulations and [procedure] procedures and establish such minimum
346 standards, consistent with the provisions of this chapter, as the
347 executive director deems necessary or appropriate, and which are
348 commensurate with and for the purpose of protecting and [insuring]
349 ensuring the general public interest and safety, the safety of persons
350 receiving instruction concerning, or operating, using or traveling in,
351 aircraft, of persons operating or using unmanned aircraft, and of
352 persons and property on land or water, and to develop and promote
353 aeronautics in this state. No regulation or procedure of the executive
354 director shall apply to airports or other air navigation facilities owned
355 by the federal government within this state.

356 Sec. 11. Section 15-71b of the general statutes is repealed and the
357 following is substituted in lieu thereof (*Effective July 1, 2024*):

358 As used in [section] sections 15-45, as amended by this act, and 15-
359 71a, as amended by this act, and chapter 267:

360 [(a)] (1) "Aircraft accident" means an occurrence associated with the
361 operation of an aircraft which takes place between the time any person
362 boards the aircraft with the intention of flight until such time as all such
363 persons have disembarked, in which any person suffers death or serious
364 injury as a result of such person being in or upon the aircraft or in direct

365 contact with the aircraft or anything attached thereto or as a result of the
366 operation of the aircraft, or the aircraft receives substantial damage;

367 [(b)] (2) "Operator" means any person who causes or authorizes the
368 operation of an aircraft or unmanned aircraft, such as the owner, lessee
369 or bailee of an aircraft or an unmanned aircraft;

370 [(c)] (3) "Substantial damage" means (A) damage in excess of one
371 thousand dollars to the property of any person, or (B) damage or
372 structural failure which adversely affects the structural strength,
373 performance or flight characteristics of the aircraft or unmanned
374 aircraft, and which would normally require major repair or replacement
375 of the affected component. [, except that] "Substantial damage" does not
376 include engine failure, damage limited to an engine, bent fairings or
377 cowling, dented skin, small punctured holes in the skin of fabric, ground
378 damage to rotor or propeller blades and damage to landing gear,
379 wheels, tires, flaps, engine accessories, brakes or wing tips; [are not
380 considered "substantial damage" for the purpose of this part.] and

381 (4) "Unmanned aircraft accident" means an occurrence associated
382 with the operation of an unmanned aircraft that takes place between the
383 time an unmanned aircraft takes off until such unmanned aircraft lands,
384 in which any person suffers death or serious injury because of such
385 person being in direct contact with the unmanned aircraft or anything
386 attached thereto or because of the operation of the unmanned aircraft,
387 or the unmanned aircraft incurs or causes substantial damage.

388 Sec. 12. Section 15-45 of the general statutes is repealed and the
389 following is substituted in lieu thereof (*Effective July 1, 2024*):

390 The executive director may hold investigations, inquiries and
391 hearings concerning matters covered by the provisions of this chapter,
392 aircraft accidents, unmanned aircraft accidents or orders, [and]
393 regulations and procedures of the executive director.

394 Sec. 13. Section 15-66 of the general statutes is repealed and the
395 following is substituted in lieu thereof (*Effective July 1, 2024*):

396 In any case in which the executive director of the Connecticut Airport
397 Authority refuses to issue a certificate of approval of, or license or
398 renewal of license for, an airport, restricted landing area, heliport,
399 vertiport or other air navigation facility, or in any case in which the
400 executive director issues any order requiring certain things to be done
401 or revoking any license, the executive director shall set forth the reasons
402 therefor and shall state the requirements to be met before such approval
403 shall be given, license granted or order modified or changed. Any order
404 made by the executive director pursuant to the provisions of this chapter
405 shall be served upon the interested persons by registered or certified
406 mail or in person. To carry out the provisions of this chapter, the
407 executive director and any official or employee of the authority and any
408 state or municipal officer charged with the duty of enforcing this chapter
409 may inspect and examine at reasonable hours any premises and the
410 buildings and other structures thereon where airports, restricted
411 landing areas, heliports, vertiports, air schools, flying clubs or other air
412 navigation facilities or aeronautical activities are operated or carried on.
413 No provision of this section shall prohibit the executive director from
414 suspending or revoking the right of any person to pilot, or the right to
415 any operation of any aircraft within this state, for any cause that is
416 deemed sufficient, with or without a hearing. No appeal taken from the
417 action of the executive director shall act as a stay of suspension or
418 revocation except with the executive director's consent and under such
419 conditions as the executive director may prescribe. No service of process
420 shall be necessary in connection with any of the prescribed activities of
421 the executive director. The term of any suspension or revocation shall
422 commence upon notice thereof by the executive director.

423 Sec. 14. Section 15-69 of the general statutes is repealed and the
424 following is substituted in lieu thereof (*Effective July 1, 2024*):

425 (a) Any person who interferes or tampers with any airport, heliport,
426 vertiport, landing field or airway or the equipment thereof or who
427 interferes or tampers with or circumvents, attempts to circumvent or
428 thwart any security device or equipment installed or who circumvents,
429 attempts to circumvent or fails to comply with security measures or

430 procedures in operation at any airport shall be guilty of a class D felony.

431 (b) Any person who knowingly or intentionally provides false
432 information, makes a false written statement or withholds relevant
433 information on any application or other document required by airport
434 or airplane operator security plans or measures pursuant to federal law
435 and regulations which is submitted to any airport owner or operator, air
436 carrier, airport tenant, concessionaire or contractor shall be fined not
437 more than one thousand dollars or imprisoned not more than one year
438 or be both fined and imprisoned.

439 Sec. 15. Section 15-71a of the general statutes is repealed and the
440 following is substituted in lieu thereof (*Effective July 1, 2024*):

441 Any pilot, whether resident or nonresident, of a civil aircraft involved
442 in an aircraft accident [resulting in personal injury or substantial
443 damage to the aircraft] and any operator, whether resident or
444 nonresident, of an unmanned aircraft involved in an unmanned aircraft
445 accident shall immediately notify the executive director or the state
446 police of such accident. If the pilot, [or] pilots, operator or operators are
447 incapacitated, any person who caused or authorized the operation of
448 such aircraft or unmanned aircraft at the time of the accident shall be
449 responsible for giving such notification. [A] The pilot, pilots, operator or
450 operators shall file a written report [shall be filed] concerning the
451 accident with the executive director [within] not later than fourteen
452 calendar days after such accident on a form prescribed by the executive
453 director. If requested by the executive director, a written report may also
454 be required for an aircraft or unmanned accident when the damage is
455 less than substantial damage. The executive director may make an
456 investigation of such accidents as [he or she] the executive director
457 deems advisable or in lieu of a detailed investigation, may accept a copy
458 of the final report by a federal investigation agency.

459 Sec. 16. Section 15-72 of the general statutes is repealed and the
460 following is substituted in lieu thereof (*Effective July 1, 2024*):

461 No person shall operate any aircraft or unmanned aircraft carelessly,

462 negligently or recklessly, or in such a manner as to endanger the
463 property, life or limb of any person, having regard to the proximity of
464 other aircraft or other unmanned aircraft, weather conditions, field
465 conditions and, while in flight, the territory flown over.

466 Sec. 17. Section 15-73 of the general statutes is repealed and the
467 following is substituted in lieu thereof (*Effective July 1, 2024*):

468 Where necessary in order to provide unobstructed air space for the
469 landing and taking-off of aircraft, in the case of airports, heliports,
470 vertiports and restricted landing areas acquired or operated by the
471 authority, the executive director or, if a taking is required, the
472 Commissioner of Transportation, and, in the case of municipal airports,
473 the municipality, is granted authority to acquire, in the same manner as
474 is provided for the acquisition of property for airport purposes,
475 easements through or other interests in air space over land or water,
476 interests in airport hazards outside the boundaries of the airports,
477 heliports, vertiports or restricted landing areas, and such other airport
478 protection privileges as are necessary to [insure] ensure safe approaches
479 to the landing areas of such airports, heliports, vertiports and restricted
480 landing areas and the safe and efficient operation thereof. The executive
481 director or, if a taking is required, said commissioner, is empowered to
482 acquire in the same manner the right of easement for a term of years or
483 perpetually to place or maintain suitable marks for the daytime marking
484 and suitable lights for the nighttime marking of airport hazards for the
485 purpose of maintaining and repairing such lights and marks. No person
486 shall build, rebuild or create or cause to be built, rebuilt or created any
487 object, or plant, cause to be planted or permit to grow higher any tree or
488 trees or other vegetation, which encroach upon any airport protection
489 privileges acquired pursuant to the provisions of this section. Any such
490 encroachment is declared to be a public nuisance and may be abated in
491 the manner prescribed by law for the abatement of public nuisances, or
492 the municipality in charge of the airport, heliport, vertiport or restricted
493 landing area for which airport protection privileges have been acquired
494 as provided in this section may go upon the land of others and remove
495 any such encroachment without being liable for damages in so doing.

496 Before exercising any of the powers conferred [herein] in this section,
497 the executive director shall establish and publish in detailed form,
498 available to the public, the standards which the executive director has
499 adopted and will apply in making a determination that public
500 convenience and necessity require the taking of any parcel of land or
501 interest therein.

502 Sec. 18. Section 15-74a of the general statutes is repealed and the
503 following is substituted in lieu thereof (*Effective July 1, 2024*):

504 Terms used in this section and sections 15-74b and 15-74c [,] shall be
505 construed as follows, unless another meaning is expressed or is clearly
506 apparent from the language or the context: "public service company"
507 means "public service company" as defined by section 16-1; "public
508 airport" means any state or municipality owned airport, heliport,
509 vertiport, restricted landing area or other air navigational facility or any
510 facility licensed by the executive director of the Connecticut Airport
511 Authority under section 13b-46, as amended by this act, except any
512 privately owned airport, heliport, vertiport, restricted landing area or
513 air navigational facility unless the same has been on file with the Federal
514 Aviation Administration for a period of at least two years and
515 designated by it as a facility open to the public; and "clear zone" means
516 an area extending for up to one-half mile from the end of a runway on a
517 public airport and designated by the executive director as a clear zone
518 in accordance with regulations or procedures adopted by the executive
519 director.

520 Sec. 19. Section 15-77 of the general statutes is repealed and the
521 following is substituted in lieu thereof (*Effective October 1, 2024*):

522 (a) No person shall operate or attempt to operate any aircraft or
523 unmanned aircraft on the ground or in the air while under the influence
524 of intoxicating liquor or of any drug.

525 (b) No person shall operate or attempt to operate any aircraft on the
526 ground or in the air carrying passengers who are under the influence of
527 intoxicating liquor or of any drug.

528 (c) Any person who violates any provision of this section shall, for a
529 first offense, be guilty of a class C misdemeanor and, for any subsequent
530 offense, be guilty of a class A misdemeanor.

531 Sec. 20. (NEW) (*Effective October 1, 2024*) The Connecticut Airport
532 Authority, in consultation with the Department of Transportation and
533 representatives from the unmanned aircraft industry, organizations
534 representing municipalities and organizations representing first
535 responders, may adopt procedures pursuant to the provisions of section
536 1-121 of the general statutes that (1) specify where unmanned aircraft
537 may take off and land, giving consideration to public health and safety,
538 aesthetics and the general welfare, and (2) govern the operation of
539 unmanned aircraft, unless otherwise prohibited by, or provided for, in
540 federal law.

541 Sec. 21. (NEW) (*Effective October 1, 2024*) As used in sections 22 to 25,
542 inclusive, of this act:

543 (1) "Aircraft" and "unmanned aircraft" have the same meanings as
544 provided in section 15-34 of the general statutes, as amended by this act.

545 (2) "Ammunition" has the same meaning as provided in section 53a-
546 217 of the general statutes.

547 (3) "Armed forces of the United States" has the same meaning as
548 "armed forces" in section 27-103 of the general statutes.

549 (4) "Armed forces of the state" has the same meaning as described in
550 section 27-2 of the general statutes.

551 (5) "Deadly weapon", "dangerous instrument" and "firearm" have the
552 same meanings as provided in section 53a-3 of the general statutes.

553 (6) "Explosive or incendiary device" has the same meaning as
554 provided in section 53-206b of the general statutes.

555 (7) "Firefighter" has the same meaning as described in section 7-313g
556 of the general statutes.

557 (8) "Police officer" has the same meaning as provided in section 7-
558 294a of the general statutes.

559 (9) "Public service company" has the same meaning as described in
560 section 16-1 of the general statutes.

561 Sec. 22. (NEW) (*Effective October 1, 2024*) (a) No person shall equip an
562 aircraft or unmanned aircraft with a deadly weapon, a dangerous
563 instrument, a firearm, ammunition or an explosive or incendiary device.

564 (b) The provisions of subsection (a) of this section shall not apply to
565 any aircraft or unmanned aircraft operated by (1) a member of the
566 armed forces of the United States or armed forces of the state while
567 engaged in the performance of such member's official duties, or (2) a
568 police officer while engaged in rescue services or the provision of
569 emergency services to persons who are in dangerous or perilous
570 circumstances when such aircraft or unmanned aircraft is equipped
571 with a motorized breaching tool.

572 (c) Any person who violates the provisions of this section shall be
573 guilty of a class A misdemeanor.

574 Sec. 23. (NEW) (*Effective October 1, 2024*) (a) No person shall operate
575 an unmanned aircraft, or program an unmanned aircraft to operate, at
576 a height of less than two hundred fifty feet over the boundaries of
577 private premises without the prior approval of the owner of such
578 premises.

579 (b) The provisions of subsection (a) of this section shall not apply to
580 (1) the operation of an unmanned aircraft by, or on behalf of, an
581 employee of the federal government, the state or a political subdivision
582 of the state, a member of the armed forces of the United States, a member
583 of the armed forces of the state, a firefighter, a police officer or an
584 employee of a public service company when such operation is in the
585 performance of the official duties of such employee, member, firefighter
586 or officer, or (2) a person operating an unmanned aircraft for
587 commercial purposes in compliance with authorization granted by the

588 Federal Aviation Administration to the extent such operation is
589 necessary for such commercial purpose.

590 (c) Any person who violates any provision of this section shall have
591 committed an infraction.

592 Sec. 24. (NEW) (*Effective October 1, 2024*) (a) As used in this section,
593 "critical infrastructure facility" means the following types of properties:
594 (1) An electrical generating facility, electric substation or switchyard or
595 electric control system, (2) a facility for storing, receiving or processing
596 petroleum products and other fuels, (3) a chemical or rubber
597 manufacturing or storage facility, (4) a correctional facility, (5) a
598 telecommunications central office or wireless telecommunications
599 infrastructure, (6) a commercial port, harbor, rail yard, truck terminal or
600 other freight transportation facility, (7) a plant for the manufacture and
601 distribution of gas, (8) a transmission facility of a television or radio
602 station licensed by the Federal Communications Commission, (9) any
603 portion of an above-ground oil, gas or chemical pipeline, (10) a dam
604 classified as a high or significant hazard by the Commissioner of Energy
605 and Environmental Protection, (11) an air navigation facility, as defined
606 in section 15-34 of the general statutes, as amended by this act, (12) a
607 military facility, as defined in section 27-39 of the general statutes, (13)
608 a reservoir, water treatment plant, distribution system and pumping
609 station or wastewater treatment plant, collection system and pump
610 station, (14) a government office building, (15) a hospital, or (16) a public
611 safety building or facility, provided such property is completely
612 enclosed by a fence or other physical barrier that is clearly designed to
613 exclude intruders, or the property is clearly marked with a sign or signs
614 that are posted on the property that are reasonably likely to come to the
615 attention of intruders and such signs indicate that entry is forbidden.

616 (b) No person shall (1) operate an unmanned aircraft, or program an
617 unmanned aircraft to operate, at a height of less than two hundred fifty
618 feet over or within one hundred horizontal feet of a critical
619 infrastructure facility, or (2) use an unmanned aircraft to conduct
620 surveillance of, gather evidence of or collect information about a critical

621 infrastructure facility without the prior approval of the owner or
622 administrator of such facility.

623 (c) The provisions of this section shall not apply to (1) the operation
624 of an unmanned aircraft by, or on behalf of, an employee of the federal
625 government, the state or a political subdivision of the state, a member
626 of the armed forces of the United States, a member of the armed forces
627 of the state, a firefighter, a police officer or an employee of a public
628 service company when such operation is in the performance of the
629 official duties of such employee, member, firefighter or officer, or (2) a
630 person operating an unmanned aircraft for commercial purposes in
631 compliance with authorization granted by the Federal Aviation
632 Administration to the extent such operation is necessary for such
633 commercial purpose.

634 (d) Any person who violates the provisions of this section shall be
635 guilty of a class A misdemeanor.

636 Sec. 25. (NEW) (*Effective October 1, 2024*) (a) As used in this section,
637 "laser" means any device that projects a beam or point of light by means
638 of light amplification by stimulated emission of radiation or any device
639 that emits light which simulates the appearance of a laser.

640 (b) No person shall intentionally project a laser on or at an aircraft or
641 at the flight path of an aircraft.

642 (c) The provisions of this section shall not apply to any member of the
643 armed forces of the United States, armed forces of the state or a police
644 officer acting in the performance of the official duties of such member
645 or officer.

646 (d) Any person who violates the provisions of this section shall be
647 guilty of a class A misdemeanor.

648 Sec. 26. Subsection (g) of section 30-91 of the 2024 supplement to the
649 general statutes is repealed and the following is substituted in lieu
650 thereof (*Effective October 1, 2024*):

651 (g) Notwithstanding any provision of subsection (a) and subdivisions
 652 (1) and (2) of subsection (e) of this section, food or nonalcoholic
 653 beverages may be sold, dispensed or consumed in places operating
 654 under a cafe permit issued pursuant to subsection (d) of section 30-22a,
 655 at any time, as allowed by agreement between the Connecticut Airport
 656 Authority and its lessees or concessionaires. In the case of premises
 657 operating at Bradley International Airport under a cafe permit, the sale,
 658 dispensing or consumption or the presence in glasses or other
 659 receptacles suitable to permit the consumption of alcoholic liquor by an
 660 individual shall be unlawful on [: (1) Monday, Tuesday, Wednesday,
 661 Thursday and Friday between the hours of one o'clock a.m. and six
 662 o'clock a.m., (2) Saturday and Sunday between the hours of two o'clock
 663 a.m. and six o'clock a.m., (3) Christmas, except for alcoholic liquor that
 664 is served where food is also available during the hours otherwise
 665 permitted by this section for the day on which Christmas falls, and (4)
 666 January first between the hours of three o'clock a.m. and six o'clock a.m.]
 667 any day between the hours of twelve o'clock a.m. and four o'clock a.m.
 668 and after eleven o'clock p.m.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	15-34
Sec. 2	July 1, 2024	13b-39a
Sec. 3	July 1, 2024	13b-39b
Sec. 4	July 1, 2024	13b-46
Sec. 5	July 1, 2024	13b-48
Sec. 6	July 1, 2024	13b-49
Sec. 7	July 1, 2024	13b-49a
Sec. 8	July 1, 2024	13b-50(a)
Sec. 9	July 1, 2024	13b-50p
Sec. 10	July 1, 2024	15-41
Sec. 11	July 1, 2024	15-71b
Sec. 12	July 1, 2024	15-45
Sec. 13	July 1, 2024	15-66
Sec. 14	July 1, 2024	15-69
Sec. 15	July 1, 2024	15-71a
Sec. 16	July 1, 2024	15-72

Sec. 17	<i>July 1, 2024</i>	15-73
Sec. 18	<i>July 1, 2024</i>	15-74a
Sec. 19	<i>October 1, 2024</i>	15-77
Sec. 20	<i>October 1, 2024</i>	New section
Sec. 21	<i>October 1, 2024</i>	New section
Sec. 22	<i>October 1, 2024</i>	New section
Sec. 23	<i>October 1, 2024</i>	New section
Sec. 24	<i>October 1, 2024</i>	New section
Sec. 25	<i>October 1, 2024</i>	New section
Sec. 26	<i>October 1, 2024</i>	30-91(g)

Statement of Legislative Commissioners:

In Section 11(3), ", [except that] but" was changed to ". [, except that] "Substantial damage" for clarity; in Section 15, "of such accident" was added for clarity; and in Section 16, "other" was added for clarity.

TRA *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Judicial Dept. (Probation)	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal
Department of Revenue Services	Various - Potential Revenue Gain	Less than 100,000	Less than 100,000

Note: Various=Various; GF=General Fund

Municipal Impact: None

Explanation

This bill incorporates "unmanned aircraft" and "vertiports" into statute, creates new aviation-related penalties, and alters the hours of alcohol sale at Bradley International Airport. The sections with a fiscal impact to the state or municipalities are explained below.

Section 19 expands the misdemeanor of operating an aircraft while under the influence of liquor or drugs to operating unmanned aircraft, which results in a potential cost to the Judicial Department for provision of supervision in the community and a potential revenue gain from fines.

On average, the marginal cost for supervision in the community is

less than \$800 each year for adults and \$1,000 each year for juveniles.¹ Since FY 14, there has only been one charge for a similar violation. Few, if any, violations are expected to occur in the future.

The bill also creates various class A misdemeanors and infractions related to aircrafts and unmanned aircrafts², which results in a potential cost to the Judicial Department and a potential revenue gain from fines. On average, the marginal cost for supervision in the community is less than \$800 each year for adults and \$1,000 each year for juveniles.

Section 26 results in a potential revenue gain to the state's sales and alcoholic beverage taxes of less than \$100,000 annually by amending the hours during which alcohol sales are allowed at Bradley International Airport. Any revenue gain in taxes would be only to the extent that there is an increase in alcohol sales rather than a shift from currently allowed transactions for alcohol.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of violations.

¹ Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

²These include equipping an aircraft or unmanned aircraft with a weapon, operating an aircraft or unmanned aircraft too low over private property or over certain infrastructure, and projecting a laser at an aircraft or at the flight path of an aircraft.

OLR Bill Analysis**sHB 5202*****AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE CONNECTICUT AIRPORT AUTHORITY.*****SUMMARY**

This bill defines “unmanned aircraft” (i.e., drones) and “vertiports” and incorporates these concepts into various existing aeronautics statutes. In doing so, the bill generally subjects vertiports to the same regulatory framework as other air navigation facilities (e.g., airports, heliports, and restricted landing areas), including requirements for facility licensure and aircraft registration, among other things. The bill also generally expands the authority of the Connecticut Airport Authority (CAA) executive director to cover unmanned aircraft and allows him to adopt procedures specifying where unmanned aircraft may take off and land and governing their operation, unless already prohibited or regulated by federal law (see BACKGROUND).

The bill applies certain existing statutes on investigations and reporting requirements for aircraft accidents and reckless operation to unmanned aircraft. It also establishes several new unmanned aircraft restrictions, such as prohibiting (1) equipping one with a deadly weapon and (2) operation in close proximity to a private premises or critical infrastructure facility.

Unrelatedly, the bill also (1) prohibits any person from intentionally projecting a laser on or at an aircraft or its flight path and makes violations a class A misdemeanor and (2) modifies the hours during which alcohol sales are allowed at Bradley Airport to daily from 4:00 a.m. until 11:00 p.m.

Lastly, it makes numerous minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2024, except that the provisions on operating unmanned aircraft under the influence, CAA procedures for unmanned aircraft, unmanned aircraft restrictions, lasers, and alcohol sales at Bradley Airport are effective October 1, 2024.

VERTIPOINT REGULATION

Under the bill, vertiports are areas with defined dimensions, at ground-level or elevated on a structure, that are designated for vertical takeoff and landing (VTOL) of aircraft and may be restricted only for this purpose (i.e., similar to existing law’s definition of heliports, which are designed for helicopters rather than VTOL aircraft). (In practice, no vertiports currently exist in the state.)

Under existing law, an “air navigation facility” generally includes airports, heliports, and restricted landing areas. The bill makes a vertiport an air navigation facility (§ 1) and makes various changes to incorporate them into the existing statutory framework for these and similar facilities. It allows the CAA executive director to issue certificates of approval for proposed vertiports and license these facilities in the same way as under existing law for other air navigation facilities (§§ 4-6).

The bill applies numerous other statutory provisions generally applicable to air navigation facilities to vertiports, such as those related to complaints about landings or takeoffs by aircraft from unlicensed property (§ 9), CAA orders (§ 13), and airspace protection and runway clear zones (§§ 17 & 18). The bill also extends other provisions on air navigation facilities to vertiports by doing the following:

1. imposing existing law’s aircraft registration requirements on aircraft based or primarily used at a vertiport in the state (§§ 2 & 3);
2. subjecting vertiport owners or operators to certain annual reporting requirements on information about aircraft based or primarily used at their facility (§ 7);

3. authorizing the CAA executive director to cooperate with the federal government and municipalities in undertaking certain vertiport-related projects that receive federal aid (§ 8); and
4. making it a class D felony to interfere or tamper with a vertiport or related equipment (punishable by up to five years in prison, a fine of up to \$5,000, or both) (§ 14).

UNMANNED AIRCRAFT REGULATION

Under the bill, an unmanned aircraft (i.e., a drone) is a powered aircraft that (1) uses aerodynamic forces to provide vertical lift, (2) is operated remotely by a pilot in command or is capable of autonomous flight, (3) does not carry a human operator, and (4) can be expendable or recoverable. The bill specifies that unmanned aircraft are not considered aircraft under the aeronautics statutes.

CAA Authority to Regulate (§§ 10 & 20)

Existing law generally gives CAA's executive director broad authority to develop and promote aeronautics. This includes the authority to, consistent with aeronautics laws, perform acts, issue and amend orders, make and amend regulations and procedures, and establish minimum standards that he determines are needed for protecting the (1) general public interest and safety and (2) safety of (a) people operating, using, or traveling in aircraft (including those receiving instruction) and (b) people and property on land or water. The bill expands this authority to include protecting people operating or using unmanned aircraft.

The bill authorizes CAA to adopt procedures (1) specifying where unmanned aircraft may take off and land, considering public health and safety, aesthetics, and the general welfare, and (2) governing the operation of unmanned aircraft, unless already prohibited or regulated by federal law. It must do so in consultation with the Department of Transportation, representatives from the unmanned aircraft industry, and organizations representing municipalities and first responders.

Accident Investigations (§§ 11 & 12)

Current law allows the CAA executive director to hold investigations, inquiries, and hearings about matters covered by aeronautics laws, aircraft accidents, or his orders and regulations. The bill expands this authority to include “unmanned aircraft accidents.”

Under the bill, an “unmanned aircraft accident” is an occurrence associated with unmanned aircraft operation that takes place between when it takes off and lands, in which (1) someone dies or is seriously injured due to direct contact with the unmanned aircraft (or anything attached to it) or its operation or (2) the unmanned aircraft incurs or causes substantial damage. Existing law similarly defines an aircraft accident (i.e., one in which someone dies or is seriously injured due to being in or on the aircraft or direct contact with it, or the aircraft receives substantial damage).

Under current law, “substantial damage” is damage or structural failure that affects the aircraft’s structural strength, performance, or flight characteristics and would normally require major repair or replacement of the affected component. The bill expands this to also include (1) damage or structural failure of this type to an unmanned aircraft and (2) any damage of more than \$1,000 to any person’s property (this aligns with the threshold in the Uniform Aircraft Financial Responsibility Act).

Accident Reporting (§§ 11 & 15)

Current law generally requires the pilot of a civil aircraft involved in an accident described above (or the operator if the pilot is incapacitated) to immediately notify the CAA executive director or police. The bill applies this requirement to operators of unmanned aircraft involved in an accident (or anyone else that caused or authorized its operation if the operator is incapacitated). Under current law, when an accident occurs that is subject to these provisions, a written report must be filed with the executive director within 14 days. The bill specifies that this is the pilot’s or operator’s responsibility. The bill expands current law’s definition of an operator (i.e., any person who causes or authorizes an aircraft’s operation, such as its owner, lessee, or bailee) to include unmanned

aircraft operators.

Additionally, the bill expands to certain unmanned aircraft accidents current law's written report requirement for aircraft accidents when the damage is not substantial (i.e., accidents not subject to the mandatory reporting requirement discussed above). As under existing law, (1) these reports are required at the executive director's request and (2) he may investigate the accidents if he deems it advisable, or instead accept a copy of the final report by a federal investigation agency.

Reckless Operation and Operating Under the Influence (§§ 16 & 19)

The bill extends current law's prohibitions on doing the following to include unmanned aircraft:

1. operating any aircraft carelessly, recklessly, or in a way that endangers people or property, having regard to the proximity of weather and field conditions, territory flown over, and other aircraft (or unmanned aircraft under the bill); and
2. operating, or attempting to, any aircraft on the ground or in the air while under the influence of alcohol or drugs.

Violators are (1) subject to a fine of up to \$250 for a first offense and (2) guilty of a class D misdemeanor for a subsequent offense (punishable by a fine of up to \$250, up to 30 days in prison, or both) (CGS § 15-97).

ADDITIONAL UNMANNED AIRCRAFT RESTRICTIONS

The bill also establishes several new restrictions on operating unmanned aircraft (and any aircraft in the case of the deadly weapons provision below).

Deadly Weapons (§§ 21 & 22)

The bill prohibits any person from equipping an aircraft or unmanned aircraft with a deadly weapon, dangerous instrument, firearm, ammunition, explosive, or incendiary device. However, it exempts those operated by a (1) U.S. or state armed forces member

performing official duties or (2) police officer during rescue services or while providing emergency services to people in dangerous situations, when the aircraft or unmanned aircraft is equipped with a motorized breaching tool.

The bill makes a violation of this provision a class A misdemeanor, which is punishable by up to 364 days in prison, a fine of up to \$2,000, or both.

Private Premises and Critical Infrastructure Facilities (§§ 21, 23 & 24)

The bill prohibits any person from operating, or programming to operate, an unmanned aircraft at a height of less than 250 feet over (1) the boundaries of a private premises without the owner's prior approval or (2) a "critical infrastructure facility" (or within 200 feet of one) (see below).

Additionally, it prohibits using an unmanned aircraft to surveil, gather evidence, or collect information related to a critical infrastructure facility without prior approval from the facility's owner or administrator.

It exempts the following individuals while performing their official duties: (1) employees of the federal government, the state, or its political subdivisions; (2) public service company employees (e.g., electric distribution, gas, and telephone companies); (3) members of the U.S. or state armed forces; and (4) firefighters and police officers. This exemption also covers operating unmanned aircraft on behalf of these entities. The bill also exempts people operating unmanned aircraft for commercial purposes in compliance with Federal Aviation Administration authorization (if doing so is necessary for these purposes).

The bill makes a violation of the (1) private premises provision an infraction (see BACKGROUND) and (2) critical infrastructure facility provisions a class A misdemeanor, which is punishable by up to 364 days in prison, a fine of up to \$2,000, or both.

Critical Infrastructure Facility Defined. Under the bill, a critical infrastructure facility is any of the following:

1. an electrical generating facility, electric substation or switchyard, or electric control system;
2. a facility for storing, receiving, or processing petroleum products and other fuels;
3. a chemical or rubber manufacturing or storage facility;
4. a correctional facility;
5. a telecommunications central office or wireless telecommunications infrastructure;
6. a commercial port, harbor, rail yard, truck terminal or other freight transportation facility;
7. a gas manufacturing or distribution plant;
8. a television or radio station transmission facility licensed by the Federal Communications Commission;
9. an above-ground oil, gas, or chemical pipeline;
10. a dam classified as a high or significant hazard by the energy and environmental protection commissioner;
11. an air navigation facility;
12. a military facility;
13. a reservoir, water treatment plant, distribution system and pumping station or wastewater treatment plant, collection system and pump station;
14. a government office building;
15. a hospital; or

16. a public safety facility, as long as the property is enclosed by a fence or another physical barrier or clearly marked with a sign indicating that entry is forbidden.

PROHIBITION OF PROJECTING A LASER AT AN AIRCRAFT (§ 25)

The bill generally prohibits any person from intentionally projecting a laser on or at an aircraft or its flight path. It makes violations a class A misdemeanor (punishable by up to 364 days in prison, a fine of up to \$2,000, or both). The bill exempts U.S. or state armed forces members and police officers performing their official duties.

Under the bill, a laser is any device that (1) projects a beam or point of light by certain means or (2) emits light simulating the appearance of a laser.

ALCOHOL SALES AT BRADLEY AIRPORT (§ 26)

The bill modifies the hours during which alcohol sales are allowed at Bradley Airport in premises operating under a cafe permit to every day after 4:00 a.m. and until 11:00 p.m. Current law generally allows sales beginning after 6:00 a.m. and until (1) 1:00 a.m. on Monday through Friday and (2) 2:00 a.m. on the weekend (with certain holiday exceptions).

BACKGROUND

Federal Guidance on State Regulation of Unmanned Aircraft

In 2023, the Federal Aviation Administration (FAA) released an updated fact sheet to provide further guidance to states on the scope of federal authority over unmanned aircraft and more clearly delineate the aspects of their use that states may regulate and those which may be preempted (Updated Fact Sheet on State and Local Regulation of Unmanned Aircraft Systems, dated July 14, 2023).

According to the fact sheet, states may not regulate in the fields of aviation safety or airspace efficiency and laws attempting to do so are preempted. However, states generally may regulate unmanned aircraft outside those fields, with certain exceptions (e.g., laws that conflict with

FAA regulations or impair reasonable use of the airspace).

The fact sheet identifies several categories of state laws that would likely not be subject to preemption, including laws (1) on land use and zoning, privacy, harassment, trespassing, exercise of police powers, search and rescue, and taking photographs or videos of certain facilities; (2) regulating the location of takeoff and landing areas; and (3) restricting unmanned aircraft operation near property, to the extent their operation substantially interferes with the property owner’s actual use and enjoyment of the property.

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the fine’s amount. There may also be other applicable charges depending on the type of infraction. For example, certain motor vehicle infractions trigger a Special Transportation Fund surcharge of 50% of the fine. An infraction is not a crime and violators can generally pay the fine by mail without making a court appearance.

Related Bill

sSB 3 (§ 4), reported favorably by the General Law Committee, generally prohibits a public entity from (1) purchasing a drone assembled or manufactured by a covered entity (e.g., China or Russia) beginning October 1, 2024, and (2) operating these drones beginning October 1, 2025.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 34 Nay 1 (03/20/2024)